



BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

Nina Weisbroth
Chair

Stuart D. Rick
Vice Chair

March 13, 2012

Waiver No. 12-02-003

Public Ethics Law section 19A-12(b)(1)(B) provides that a public employee may not hold an employment relationship with a business that negotiates or contracts with the County agency with which the public employee is affiliated. This prohibition can be waived by the Ethics Commission pursuant to 19A-8(b)(3) if the proposed employment is not likely to create an actual conflict of interest.

Dr. Letha Healey is a public employee who is a physician in the Department of Health and Human Services (DHHS) who sees patients at the Dennis Avenue Health Center, a County facility. She has applied for part-time work through Holy Cross Hospital Health Center ("Holy Cross") where she would be employed as a physician providing primary care services. Holy Cross has a direct health care service contract with the DHHS Public Health Services concerning prenatal maternity services. The proposed employment with Holy Cross involves services that are completely distinct from Holy Cross prenatal maternity services under the contract between DHHS and Holy Cross. Moreover, Dr. Healey's County position does not involve the approval of any invoices, budgets, grants, contracts or recommendations that would affect Holy Cross's interests. And Dr. Healey has committed to avoiding using her County position to advance interests of Holy Cross.

The services provided at the Dennis Avenue Health Center and Holy Cross target the same patient populations (uninsured Montgomery County residents), and all County patients are eligible to receive primary care services at any of the clinics in the Montgomery Cares network, which includes Holy Cross. Dr. Healey will not refer County patients to Holy Cross over any of the other available clinics through the Montgomery Cares network.

Given Dr. Healey's commitment on not referring County patients to Holy Cross over any other available clinics and the absence of any role Dr. Healey plays regarding the contract between DHHS and Holy Cross, the Ethics Commission concludes that Dr. Healey's employment with Holy Cross is not likely to create an actual conflict of interest. The Commission therefore waives the restriction imposed by 19A-12(b)(1)(B).

Montgomery County Ethics Commission

100 Maryland Avenue, Room 204, Rockville, MD 20850
OFFICE 240-777-6670, FAX 240-777-6672

In reaching this decision, the Commission has relied upon the facts and commitments presented by the requestor.

For the Commission:



Nina Weisbroth, Chair